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09/945,099	08/31/2001	Timothy Orr Knight	0006-003004	4363

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EXAMINER

KE, PENG

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/945,099	KNIGHT, TIMOTHY ORR	
	Examiner	Art Unit	
	Peng Ke	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-52 and 91-145 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42-52 and 91-145 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This action is responsive to communications: Amendment, filed on 6/7/06.

This action is final.

Claims 42-52, 91-145 are pending in this application. Claims 42, 91, 99, 106, 111, 121, 126, 131, 135, 136, and 141 are independent claims. In amendment filed on 6/7/06, claims 42, 48, 91, 99, 106, 111, 121, 126, 131, 135 and 136 were amended.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 141-143 are rejected under 35 U.S.C. 102(b) as being anticipated by Manghirmalani et al. (US 5,819,028)

As per claim 141, Manghirmalani teaches a data picture record derived from data input in the form of graphical arrangement by a user, the data picture record comprising:

An identifier indicating a particular action and/or a transaction identified by the user as related to the data input; (column 12, lines 1-15);

An identity of a data parameter selected by the user to express the data input and used in the graphical arrangement for the particular action and/or transaction; (column 12, lines 16-45)
and

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A weighting factor associated with said data parameter, said weighting factor being derived from a relative placement of said data parameter within the graphical arrangement. (fig. 12, item 1203; A data parameter's placement within the equation determines the relative factor of the data parameter).

As per claim 142, Manghirmalani teaches the data picture of claim 141, wherein a collection of data picture records are grouped for said action and/or transaction (col. 7, lines 55-68, col. 8, lines 1-8).

As per claim 143, Manghirmalani teaches the data picture of claim 142, wherein said collection data picture records include data picture records created before said action and/or transaction, and data picture records created after said action and/or transaction (fig. 14, item 1401-1403).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 42-45, 48-52, 91-94, 98-101, 105-108, 110, 111, 113-123, 126, 127, 129, 131-134, 136, and 140 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manghirmalani et al. (US 5,819,028) in view of Tuli et al. (US 6,256,651).

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As per claim 42, Manghirmalani et al. teaches an electronic interface for collecting information for a data picture, the interface comprising:

a data palette providing a set of data parameters available for selection, said set of data parameters including at least some in text form corresponding to predefined statements concerning an action and/or a transaction (col. 12, lines 1-15); and

a data canvas on which a selected set of one or more of said set of data parameters can be displayed and arranged arbitrarily by a user to generate the data picture (col. 12, lines 16-45); and

wherein the data picture includes a display of a graphical arrangement of the selected set of data parameters relative to one another, the graphical arrangement being configured by the user within the data canvas. (fig. 13, fig. 14, col. 12, lines 46-68, col. 13, lines 1-15; Examiner interprets defining danger zoom for canvas 1301, 1302, and 1303, to be allowing user to configure the data canvas with one or more corresponding predefined statement).

However, Manghirmalani fails to teach displaying graphically relative positioning of the selected set of data parameters.

Tuli teaches displaying graphically relative positioning of the selected set of data parameters. (column 7, lines 30-48)

It would have been obvious to an artisan at the time of the invention to include Tuli's with method of Manghirmalani in order to provide users with a graphical representation of priority.

As per claim 43, Manghirmalani and Tuli teach the interface of claim 42. Tuli further teaches wherein said selected set of data parameters can be selected and physically moved by

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such user to a gradient on said data canvas by physically manipulating an electronic pointing device (column 4, lines 62-68).

As per claim 44, Manghirmalani and Tuli teach the interface of claim 42. Manghirmalani further teaches wherein the data picture is generated using a single data capture screen including said data palette and said data canvas (fig. 13, 1307-1320).

As per claim 45, Manghirmalani and Tuli teach the interface of claim 42. Manghirmalani further teaches wherein the data picture is translatable into one or more electronic records including numeric data values. (col. 13, lines 1-20, col. 6, lines 32-55).

As per claim 48, Manghirmalani and Tuli teach the interface of claim 47. Manghirmalani further teaches wherein said data canvas conveys visible feedback information when the user is arranging said selected set of data parameters (col. 12, lines 46-68).

As per claim 49, Manghirmalani and Tuli teach the interface of claim 42. Manghirmalani further teaches wherein said set of data parameters include factors associated with lessons learned by a user concerning such action and/or transaction (col. 12, lines 16-46).

As per claim 50, Manghirmalani and Tuli teach the interface of claim 42. Manghirmalani further teaches wherein said interface also provides a visual comparison between data in said data picture and other data pictures (fig 13, fig 14).

As per claim 51, Manghirmalani and Tuli teach the interface of claim 42. Manghirmalani further teaches wherein said interface also provides visual feedback to such operator based on an evaluation of said data in the data picture (col. 12, lines 46-68).

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As per claim 52, Manghirmalani and Tuli teach the interface of claim 42. Manghirmalani further teaches wherein said set of parameters can be customized by the user (col. 12, lines 16-46)

As per claim 91, Manghirmalani et al. teaches a computer program comprising the steps of:

A signal bearing medium bearing a least one of:

One or more instruction for providing a data palette, said palette including a set of data parameters available for selection by a user of the program, such that said set of data parameters includes at least some corresponding to predefined statements concerning an action and/or a transaction (fig. 12, col. 12, lines 15-46); and

One or more instruction for providing a data canvas on which selected data parameters can be displayed, and arranged arbitrarily by said user to generate the data picture; (fig. 12, col. 12, lines 15-46)

wherein the data picture can be based at least in part on a graphical arrangement of a selected group of said predefined statements collected from said user and pertaining to the user's mental impressions concerning said action and/or said transaction, said graphical arrangement being configured by the user with the data canvas which is based physical position selected by the user within the data canvas for said predefined statement and/ or a relative spatial relationship between said predefined statement with in the data canvas concerning said action and/or said transaction. (fig. 12, col. 12, lines 15-46).

However, Manghirmalani fails to teach displaying graphically relative positioning of the selected set of data parameters.

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Tuli teaches displaying graphically relative positioning of the selected set of data parameters. (column 7, lines 30-48)

It would have been obvious to an artisan at the time of the invention to include Tuli's with method of Manghirmalani in order to provide users with a graphical representation of priority.

As per claim 92, Manghirmalani Tuli teach the computer program of claim 91. Manghirmalani further teaches wherein all information collected from said user is captured using a single data picture (fig. 13, col. 12. lines 46-68).

As per claim 93, Manghirmalani Tuli teach the computer program of claim 91. Manghirmalani further teaches wherein all information for the data picture is captured during a data collection session using a single data collection screen (fig. 13, col. 12. lines 46-68).

As per claim 94, Manghirmalani Tuli teach the computer program of claim 91. Manghirmalani further teaches wherein the data picture is stored as part of a transaction record which includes numeric data values. (fig 13, col. 12, lines 46-48; It is inherent that the numeric data illustrated by the graph is not input by the user).

As per claim 98, Manghirmalani Tuli teach the computer program of claim 91. Manghirmalani further teaches including a step of providing visual feedback based on an evaluation of the data picture to present the user with a visual output depicting an expected outcome of said action and/or said transaction based on the data picture (fig. 13. items 1307a-c col. 12, line 47-68; Examiner interrupts the visual indicator to be visual feedback.).

As per claim 99, it rejected with the same rationale as claim 91. (see rejection above)

As per claim 100, which is dependent on claim 99, it is of the same scope as claim 92.
(see rejection above)

As per claim 101, which is dependent on claim 99, it is of the same scope as claim 93.
(see rejection above)

As per claim 105, which is dependent on claim 99, it is of the same scope as claim 98.
(see rejection above)

As per claim 106, Manghirmalani teaches a method of capturing data concerning an actual or proposed transaction from a user of a computing system, said system including at least a keyboard and pointing device for inputting data, the method comprising:

providing a set of a plurality of individual assertions, said assertions being associated with mental impressions of the user relating to the transaction (col. 12, lines 1-47; Examiner interrupts the formula that is used by the administrator to be the mental impressions that administrator has for determining health of the system base on the data); and

displaying said set of assertions to the user in a first portion of a visible electronic interface (col. 12, lines 1-47; Examiner interrupts MIB object meters to be assertions); and

permitting the user to select and move selected assertions taken from said set of assertions to a second, separate portion of said visible interface, which second separate portion acts to display such selected assertions along a visible gradient (col. 12, lines 16-20; It is inherent that the same MIB objects can be used in different formula); and

permitting the user to arrange said selected assertions in a ranking order relative to each other along said visible gradient to create a data picture (col. 7, lines 60-67; Examiner interrupts weight assigned to each type of network specific data to be the rank of that type of data).

However, Manghirmalani fails to teach displaying graphically relative positioning of the selected set of data parameters.

Tuli teaches displaying graphically relative positioning of the selected set of data parameters. (column 7, lines 30-48)

It would have been obvious to an artisan at the time of the invention to include Tuli's with method of Manghirmalani in order to provide users with a graphical representation of priority.

As per claim 107, Manghirmalani and Tuli teach the method of claim 106. Manghirmalani further teaches wherein all information collected from said user for the actual and/or proposed transaction is captured using said set of assertions (col. 6, lines 1-8).

As per claim 108, which is dependent on claim 106, it is of the same scope as claim 92. (see rejection above)

As per claim 110, Manghirmalani and Tuli teach the method of claim 106. Manghirmalani further teaches including a step of providing a visual comparison between the data picture and data collected from said user during a prior data capture session (fig. 14, items 1401-1403).

As per claim 111, it is rejected with same rationale as claim 106. (see rejection above)

As per claim 113, Manghirmalani and Tuli teach the method of claim 111. Manghirmalani further teaches including providing a gradient visible to the user for assisting in the ranking of said selected assertions (col. 7, lines 60-67; Examiner interrupts weight assigned to each type of network specific data to be the rank of that type of data).

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As per claim 114, Manghirmalani and Tuli teach the method of claim. 111.

Manghirmalani further teaches including providing visible feedback information when the user arranges said selected assertions (fig. 13, item 1304).

As per claim 115, Manghirmalani and Tuli teach the method of claim. 111.

Manghirmalani further teaches wherein said palette of individual assertions include statements associated with lessons learned by a user concerning such action and/or transaction (Fig. 4, item “item 404”; Examiner interprets studying the collision history of the network to be learning the lessons of the passed).

As per claim 116, Manghirmalani and Tuli teach the method of claim 115.

Manghirmalani further teaches including a step of retrieving and modifying any of said lessons associated with the user input data at a later time. (fig. 14, items 1401-1403)

As per claim 117, Manghirmalani and Tuli teach the method of claim 111.

Manghirmalani further teaches wherein said palette of individual assertions can be customized at least in part by the user (fig 12, item 1203; col. 12, lines 1-47).

As per claim 118, Manghirmalani and Tuli teach the method of claim 111.

Manghirmalani further teaches including a step of providing a visual comparison between the user input data and program data collected from said user during a prior session.

As per claim 119, which is dependent on claim 111, it is of the same scope as claim 98.
(see rejection above)

As per claim 120, which is dependent on claim 111, it is of the same scope as claim 93.
(see rejection above)

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As per claim 121, Manghirmalani teaches a method of capturing input data from a user within an electronic interface comprising:

(a) providing a menu within the interface for presenting a set of data parameters to the user (fig. 12, item 1204);

(b) providing a canvas in association with the interface for creating a data record based on said set of data parameters (fig. 12, items 1208-1213);

(c) moving a selected data parameter from the set of data parameters to said canvas (fig. 12, items 1208-1213); and

(d) arranging said selected data parameter on said canvas so as to indicate a corresponding weighting factor to be associated with said selected data parameter (col. 7, lines 60-67; Examiner interrupts weight assigned to each type of network specific data to be the rank of that type of data); and

However, Manghirmalani fails to teach relatively positioning said selected data parameter on said canvas so as to indicate a corresponding weighting factor be associated with said selected data parameter.

Tuli teaches relatively positioning said selected data parameter on said canvas so as to indicate a corresponding weighting factor be associated with said selected data parameter. (column 7, lines 30-48)

It would have been obvious to an artisan at the time of the invention to include Tuli's with method of Manghirmalani in order to provide users with a graphical representation of priority.

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As per claim 122, Manghirmalani and Tuli teach the method of claim 121.

Manghirmalani further teaches wherein said data record is used as a query to locate additional information for the user (fig. 14, items 1401-1403).

As per claim 123, Manghirmalani and Tuli teach the method of claim 121.

Manghirmalani further teaches wherein said data record is compared against other data records and a visual analysis is presented to the user (fig. 14, items 1401-1403; It is inherent that the health data, the load data, and the error data are being compared against each other).

As per claim 126, it is rejected with the same rationale as claim 106. (see rejection above)

As per claim 127, Manghirmalani and Tuli teach the method of claim 126.

Manghirmalani further teaches wherein said feedback information includes:

- (a) a set of data records correlating with said input data (col. 12, lines 1-15);
- (b) a list of proposed options based on said input data (col. 12, lines 1-15);
- (c) changes in an appearance of said data interface (fig. 13, fig. 14, col. 12, lines 46-68, col. 13, lines 1-15); and/or
- (d) a prediction of expected financial return based on input data;
- (e) a financial performance associated with transactions using said input data.

As per claim 129, Manghirmalani and Tuli teach the method of claim 106.

Manghirmalani further teaches wherein said data parameters correspond to reasons, motivations or perceptions concerning a transaction and/or action by the user (Fig. 4, item "item 404";

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Examiner interprets studying the collision history of the network to be learning the lessons of the passed).

As per claim 131, it is rejected with the same rationale as claim 106. (see rejection above)

AS per claim 132, Manghirmalani and Tuli teach the method of claim 131.

Manghirmalani further teaches wherein said feedback includes a chart and/or graph (fig. 14, item 1401-1403).

As per claim 133, Manghirmalani and Tuli teach the method of claim 152.

Manghirmalani further teaches wherein said feedback includes a proposed model set of data records and weighting factors (col. 7, lines 60-67).

As per claim 134, Manghirmalani and Tuli teach the method of claim 131.

Manghirmalani further teaches wherein said feedback includes a prediction associated with using said one or more of data records (Fig. 12, item 1202).

As per claim 136, it is rejected with the same rationale as claim 106. (see rejection above)

As per claim 140, which is dependent on claim 138, it is of the same scope of 45. (see rejection above)

Claims 46, 47, 95-97, 102-104, 109, 112, 124, 125, 130, 135, 144, 145 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manghirmanlani (US 5,819,028) in view of Tuli et al. (US 6,256,651) in view of Ferguson et al. (US 6,064,984).

As per claim 46, Manghirmalani and Tuli teach the interface of claim 45. However, they fail to teach wherein said numeric data values are based on the physical location of said selected set of data parameters as placed by the user on said data canvas.

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Ferguson et al. teaches wherein said numeric data values are based on the physical location of said selected set of data parameters as placed by the user on said data canvas. (col. 8, lines 46-64)

It would have been obvious to an artisan at the time of the invention to include Ferguson's teaching with method of Manghirmalani and Tuli in order to provide user with the ability to see the possible results of different hypothetical scenarios.

As per claim 47, Manghirmalani and Tuli teach the interface of claim 42. However, they fail to teach wherein said selected set of data parameters, including individual ones of said selected group of predefined statements can be ranked in relative importance by the user based on their location on said data canvas.

Ferguson et al. teaches wherein said selected set of data parameters, including individual ones of said selected group of predefined statements can be ranked in relative importance by the user based on their location on said data canvas (col. 12, lines 16-54; Allowing user to decide how much money should be allocated into to each categories, such as stocks, bond, and cash, Ferguson effectively provide the user with the ability to rank the relative importance of each category in his/her over all financial investment strategy).

It would have been obvious to an artisan at the time of the invention to include Ferguson's teaching with method of Manghirmalani and Tuli in order to provide user with the ability to see the possible results of different hypothetical scenarios.

As per claim 95, which is dependent on claim 91, it is of the same scope as claim 46. (see rejection above)

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As per claim 96, which is dependent on claim 91, it is of the same scope as claim 47. (see rejection above)

As per claim 97, which is dependent on claim 91, it is of the same scope as claim 46. (see rejection above)

As per claim 102, which is dependent on claim 99, it is of the same scope as claim 46. (see rejection above)

As per claim 103, Manghirmalani and Tuli teach the interface of claim 99. However they fails to teach the interface further includes a step of permitting said user to rank said personalized individual assertions on said data canvas.

Ferguson et al. teaches a step of permitting said user to rank said personalized individual assertions on said data canvas (col. 12, lines 16-54; Allowing user to decide how much money should be allocated into to each categories, such as stocks, bond, and cash, Ferguson effectively provide the user with the ability to rank the relative importance of each category in his/her over all financial investment strategy).

It would have been obvious to an artisan at the time of the invention to include Ferguson's teaching with method of Manghirmalani and Tuli in order to provide user with the ability to see the possible results of different hypothetical scenarios.

As per claim 104, which is dependent on claim 103, it is of the same scope as claim 46. (see rejection above)

As per claim 109, which is dependent on claim 106, it is of the same scope as claim 47. (see rejection above)

As per claim 112, which is dependent on claim 111, it is of the same scope as claim 46.
(see rejection above)

As per claim 124, which is dependent on claim 121, it is of the same scope as claim 46.
(see rejection above)

As per claim 125, which is dependent on claim 124, it is of the same scope as claim 47.
(see rejection above)

As per claim 130, which is dependent on claim 126, it is of the same scope as claim 46.
(see rejection above)

As per claim 144, which is dependent on claim 141, it is of the same scope as claim 46.
(see rejection above)

As per claim 145, which is dependent on claim 144, it is of the same scope as claim 47.
(see rejection above)

As per claim 135, Manghirmalani and Tuli teach the method of claim 111. However, they fails to teach wherein said feedback includes a financial performance associated with using said one or more data records.

Ferguson et al. teaches a method wherein said feedback includes a financial performance associated with using said one or more data records (col. 8, lines 46-64).

It would have been obvious to an artisan at the time of the invention to include Ferguson's teaching with method of Manghirmalani and Tuli in order to provide user with the ability to see the possible results of different hypothetical scenarios.

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Claims 138 and 139 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manghirmanlani (US 5,819,028) in view of Tuli et al. (US 6,256,651) in view of Black et al. (US 6,012,042).

As per claim 138, Manghirmalani and Tuli teach the method of claim 136. However, they fails to teaches the method wherein said action and/or transaction pertains to trading a security, and said first data picture is associated with a purchase of said security, and said second data picture is associated with a sale of said security.

Black et al. teaches a method wherein said action and/or transaction pertains to trading a security, and said first data picture is associated with a purchase of said security, and said second data picture is associated with a sale of said security (col. 10, lines 16-36).

It would have been obvious to an artisan at the time of the invention to include Black's teaching with method of Manghirmalani and Tuli in order to provide user with the ability to set up alert for financial events.

As per claim 139, Manghirmalani, Tuli and Black teach the method of claim 138. Black further teaches the method including a step (d): providing feedback to the user to indicate a financial performance associated with said trading of said security (col. 10, lines 16-36).

Claims 137 is rejected under 35 U.S.C. 103(a) as being unpatentable over Manghirmanlani (US 5,819,028) in view of Tuli et al. (US 6,256,651) in view of Wren. (US 6,055,514)

As per claim 137, Manghirmalani and Tuli teach the method of claim 136. However, they fails to teach wherein said first data picture is not alterable after it is created.

Wren teaches a method the where the data picture is stored permanently (col. 4, lines 42-65).

It would have been obvious to an artisan at the time of the invention to include Wren's teaching with method of Manghirmalani and Tuli in order to provide user with the ability to review the data later.

Claims 128 is rejected under 35 U.S.C. 103(a) as being unpatentable over Manghirmanlani (US 5,819,028) in view of Tuli et al. (US 6,256,651) in view of Richards (US 6,539,361).

As per claim 128, Manghirmalani and Tuli teach the method of claim 126. However, they fail to teach wherein said data input session is conducted using a Java - applet operating within an Internet browser.

Richards et al. teaches a method data input session is conducted using a Java - applet operating within an Internet browser (col. 23, lines 30-40).

It would have been obvious to an artisan at the time of the invention to include Richards' teaching with method of Manghirmalani and Tuli in order to provide user with the ability to access the Internet.

Response to Argument

Applicant's arguments with respect to claims 6/7/06 have been considered but are deemed to be moot in view of the new grounds of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Peng Ke

Kristine Kincaid
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